UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
YEN, ERIC L

ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 February 2009*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *2-11 and 13-24* is/are pending in the application.

  4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *2-11 and 13-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

  a)☐ All b)☐ Some * c)☐ None of:

  1.☐ Certified copies of the priority documents have been received.

  2.☐ Certified copies of the priority documents have been received in Application No. _____.

  3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

  * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
  Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
  Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____ .

DETAILED ACTION

Response to Amendment

1.   In response to the Office Action mailed 11/14/08, applicant has submitted an

amendment filed 2/17/09.

Claims 3, 11, 14, and 22, have been amended.

Response to Arguments

1.   Applicant's arguments filed 2/17/09 have been fully considered but they are not

persuasive.

Applicant argues that the combination of references is improper (Amendment,

page 7) because "the examiner has not identified why one of ordinary skill in the art

would consider an online customer service system when developing an interface for a

receiver system" (Amendment, page 8).

It is readily apparent that the concepts of Bernard and Durston can be applied to

Rogson. First, Bernard and Rogson both involve presentation of sound (i.e., music,

audio, etc.) information to the user. In both Rogson and Bernard, they announce the

title/name of a song/performance/audible broadcast. They both involve methods for a

machine to interact with a user. Just because Bernard's title announcement feature is

used in something other than a radio does not mean that it cannot be used in a radio

which performs the exact same function. There is nothing about presenting a message

in a radio system that prevents any other message generation method from also being

used to generate the message. Durston similarly produces an audible message to a

user, and does so using a template structure like in Bernard. All three references are

directed to producing an audible message to a user and so, they can therefore be

combined even though they are not all radios.

As per Claims 4-5, applicant argues that "the examiner has not identified the

claimed elements in the cited references", because "the template [ordering of the pre-

recorded segments] in Bernard is predefined and not based on transmission

information" or artist information (Amendment, page 8).

The examiner disagrees, because Bernard teaches announcing the title/artist of

a song. When combined with Rogson (as specifically defined in the rejection) the song

is a transmitted song broadcast over a radio channel. The broadcast song has its own

title and artist which can also be announced. Bernard is applied to teach that this title

and artist information is used to fill the data needed to generate the announcement

"This song is <title> by <artist>", for example. Rogson already teaches making this

announcement for a radio broadcast but not by stringing together different pieces of

audio using a specified structure [i.e., template]. Bernard teaches the template and the

use of this same title/artist information but not where it is used in a radio. Combined

together, there is a radio system that generates an announcement of a title and artist

using segments that are strung together to form an announcement. Therefore, the

combination teaches the limitations of Claims 4-5.

2.   Applicant's arguments with respect to claims 3, 11, 14, and 22, have been

considered but are moot in view of the new ground(s) of rejection.

While Surace seems to favor randomized prompt selection, he also teaches

where the prompts are not selected randomly. This is because the cited passage (col.

15, lines 3-22) indicates that there are several ways and that only some (i.e., not all)

ways require a randomized/clock-based selection. If not all of the ways are random,

then the others are not random, meaning they are ordered in some way. If there is

order to the selection then the system has something to track where in the order it is.

Since machines are usually implemented digitally, the following of the sequence can

readily be implemented by incrementing a number. It would be obvious for one of

ordinary skill in the art to implement the ordered selection this way because it is one of,

if not the, simplest way to implement an ordered selection. Therefore, Surace still

suggests where there is a counter which indexes through an ordered set of templates.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 4-11, and 15-22, and 23-24, are rejected under 35 U.S.C. 103(a) as being

unpatentable over Rogson et al. (US 2002/0055339), hereafter Rogson, in view of

Bernard et al. (US 5,918,213), hereafter Bernard, and Durston et al. (US 7,143,040).

        As per Claim 23, Rogson teaches a system for generating an information

announcement ("title of the work is presented orally... synthesized voice", paragraph

39), the system comprising: a receiver to receive broadcast programming transmission

information ("broadcast... title data", paragraph 29; "broadcast live", paragraphs 31-32),

and a voice generator in communication with the receiver, the voice generator being

configured to receive transmission information, creating a message ("title of the work is

presented orally", paragraph 39; "broadcast... title data", paragraph 29).

        Rogson fails to teach where the message is created by selecting a predefined

template, and inserting portions of the transmission information into the template.

        Bernard teaches where the message is created by selecting a predefined

template, and inserting portions of the transmission information into the template

("stringing together... announcement of the title", col. 35, line 65 – col. 36, line 9; where

the sequence is a template which defines the order to announce something, including a

title, and the title is part of Rogson's transmission information).

        Therefore, it would have been obvious to one of ordinary skill in the art a the time

of invention to modify Rogson to include the teaching of Bernard of where the message

is created by selecting a predefined template, and inserting portions of the transmission

information into the template, in order to provide additional information that the user

may want, as described by Bernard (col. 35, line 65 – col. 36, line 9).

Rogson, in view of Bernard, fail to teach where the voice generator is a text-to-

speech generator and the template is selected from a plurality of predefined templates,

and wherein the template includes a phrase and the portions of the transmission

information are inserted into the phrase.

Durston teaches where the voice generator is a text-to-speech generator and the

template is selected from a plurality of predefined templates, and wherein the template

includes a phrase and the portions of the transmission information are inserted into the

phrase ("template... tokens need to be replaced by values... text-to-speech generator",

col. 10, lines 8-35; where 3 different ways of saying the same thing are taught in a voice

synthesizing device for presentation to the user).

Therefore, it would have been obvious to one of ordinary skill in the art at the

time of invention to modify Rogson, in view of Bernard, to include the teaching of

Durston of where the voice generator is a text-to-speech generator and the template is

selected from a plurality of predefined templates, and wherein the template includes a

phrase and the portions of the transmission information are inserted into the phrase, in

order to prevent excessive repetition, as described by Durston (col. 12, lines 29-36).

As per Claim 24, its limitations are similar to those in Claim 23, and so is rejected

under similar rationale.

As per Claim 4, Rogson teaches wherein the text-to-speech generator is configured to select a template from the plurality of predefined templates based on the transmission information.

Bernard teaches wherein the text-to-speech generator is configured to select a template from the plurality of predefined templates based on the transmission information ("stringing together… announcement of the title", col. 35, line 65 – col. 36, line 9; where the sequence determined is based on receiving the title information and determining that it needs to be output, which selects the appropriate template to output the title).

Therefore, it would have been obvious to one of ordinary skill in the art a the time of invention to modify Rogson to include the teaching of Bernard of wherein the text-to-speech generator is configured to select a template from the plurality of predefined templates based on the transmission information, in order to provide additional information that the user may want, as described by Bernard (col. 35, line 65 – col. 36, line 9).

As per Claim 5, Rogson fails to teach wherein the text-to-speech generator is configured to select a template from the plurality of predefined templates based on artist information in the transmission information the transmission information.

Bernard suggests wherein the text-to-speech generator is configured to select a template from the plurality of predefined templates based on artist information in the transmission information the transmission information ("stringing together…

announcement of the title", col. 35, line 65 – col. 36, line 9; where the sequence

determined is based on receiving the title information and artist information and

determining that they need to be output, which selects the appropriate template to

output the title, and it is obvious that if any of the artist or title information is not received

to not use the template that requires both to be output).

Therefore, it would have been obvious to one of ordinary skill in the art a the time

of invention to modify Rogson to include the teaching of Bernard of wherein the text-to-

speech generator is configured to select a template from the plurality of predefined

templates based on artist information in the transmission information the transmission

information, in order to provide additional information that the user may want, as

described by Bernard (col. 35, line 65 – col. 36, line 9).

As per Claim 6, Rogson fails to teach wherein the text-to-speech generator is

configured to determine if artist information is in the transmission information and to

determine if the artist information is plural.

Bernard suggests wherein the text-to-speech generator is configured to

determine if artist information is in the transmission information and to determine if the

artist information is plural ("stringing together… announcement of the title", col. 35, line

65 – col. 36, line 9; where, in synthesizing the words in the announcement which

includes the artist information, the system determines that the words in at least two

names need to be synthesized to determine what to synthesize in the artist information,

which determines that there is more than one name in the artist information).

Therefore, it would have been obvious to one of ordinary skill in the art a the time

of invention to modify Rogson to include the teaching of Bernard of wherein the text-to-

speech generator is configured to determine if artist information is in the transmission

information and to determine if the artist information is plural, in order to provide

additional information that the user may want, as described by Bernard (col. 35, line 65

– col. 36, line 9).

As per Claim 7, Rogson teaches wherein the transmission information includes

next up information, and the text-to-speech generator selects the template based on the

next up information ("title of the work is presented orally", paragraph 39; "broadcast...

title data", paragraph 29; where the title information is received at the time a song is to

be played, and so it announces the song that it about to be played, or "next up").

As per Claim 8, Rogson teaches wherein the text-to-speech generator is

configured to add phrases to the template, where the phrases are associated with the

transmission information ("title of the work is presented orally", paragraph 39;

"broadcast... title data", paragraph 29; where a title is a phrase).

As per Claim 9, Rogson fails to teach wherein the phrases are associated with

artist information in the transmission information.

Bernard suggests wherein the phrases are associated with artist information in the transmission information ("stringing together… announcement of the title", col. 35, line 65 – col. 36, line 9; where the artist name can be multiple words which is a phrase).

Therefore, it would have been obvious to one of ordinary skill in the art a the time of invention to modify Rogson to include the teaching of Bernard of wherein the phrases are associated with artist information in the transmission information, in order to provide additional information that the user may want, as described by Bernard (col. 35, line 65 – col. 36, line 9).

As per Claim 10, Rogson teaches an input device, wherein the phrases are user definable via the input device ("broadcast... title data", paragraph 29; "broadcast live", paragraphs 31-32; where the title information must be input at some point, and is done by somebody who knows the title).

As per Claims 15-21, their limitations are similar to those in Claims 4-10, and so are rejected under similar rationale.

As per Claim 11, Rogson fails to teach an audio summer configured to combine the message with a music signal thereby providing the message and music signal simultaneously.

Bernard suggests an audio summer configured to combine the message with a music signal thereby providing the message and music signal simultaneously ("announced as each song is played", col. 37, lines 1-14)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Rogson to include the teaching of Bernard of an audio summer configured to combine the message with a music signal thereby providing the message and music signal simultaneously in order to provide additional information that the user may want, as described by Bernard (col. 35, line 65 – col. 36, line 9).

As per Claim 22, its limitations are similar to those in Claim 11, and so is rejected under similar rationale.

4.   Claims 2-3, and 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rogson, in view of Bernard and Durston, as applied to Claims 23-24, above, and further in view of Surace et al. (US 6,144,938), hereafter Surace.

As per Claim 2, Rogson, in view of Bernard and Durston, fail to teach wherein the text-to-speech generator is configured to randomly select a template from the plurality of predetermined templates.

Surace teaches wherein the text-to-speech generator is configured to randomly select a template from the plurality of predetermined templates ("random number generator", col. 15, lines 3-22).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Rogson, in view of Bernard and Durston, to include the teaching of Surace of wherein the text-to-speech generator is configured to randomly select a template from the plurality of predetermined templates, in order to facilitate prevention of repetition, as described by Surace (col. 15, lines 3-22).

As per Claim 3, Rogson, in view of Bernard and Durston, fail to teach wherein the text-to-speech generator is configured to select a template from the plurality of predetermined templates based on a counter to index through each template.

Surace suggests wherein the text-to-speech generator is configured to select a template from the plurality of predetermined templates based on a counter to index through each template ("prompt… one of several ways, some of which require a clock… history", col. 15, lines 3-22; where if Surace teaches where only some ways require a clock or random item, then he suggests where prompts are selected without a random element. If the selection is not random, then there is some measure of order to it, which also suggests a counter to move along a sequential order of prompts).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Rogson, in view of Bernard and Durston, to include the teaching of Surace of wherein the text-to-speech generator is configured to select a template from the plurality of predetermined templates based on a counter to index through each template, in order to facilitate prevention of repetition, as described by Surace (col. 15, lines 3-22).

As per Claims 13-14, their limitations are similar to those in Claims 2-3, and so are rejected under similar rationale.

Conclusion

3.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ERIC YEN whose telephone number is (571)272-4249. The examiner can normally be reached on M-F 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Edouard can be reached on 571-272-7603. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EY 4/4/09

/Richemond Dorvil/
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